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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOELLE BURGESS, *et al.*,

Plaintiffs,

v.

COUNTY OF MENDOCINO, *et al.*,

Defendants.

Case No. 16-cv-02414-WHO

**JOINT STIPULATION TO RESCHEDULE
SETTLEMENT CONFERENCE; [PROPOSED]
ORDER**

TO THE HONORABLE LAUREL BEELER, SETTLEMENT MAGISTRATE:

This Joint Stipulation is submitted by all named parties in this action, including: (1) Plaintiffs Victoria Lee Dalbec, Jason Jay Havranek, Joelle Burgess, and Kara Marzan (collectively, "Plaintiffs"); (2) Defendants the County of Mendocino and Sheriff's Deputy Kaitlyn Olson (collectively, "County Defendants"); and (3) Defendant California Forensic Medical Group, Inc. ("CFMG Defendant").

By this Joint Stipulation, the parties request the Court to reschedule the settlement conference currently set in this matter for January 9, 2017, at 10:00 a.m., to one of the following dates provided by the Court's Courtroom Deputy: (a) February 21, 2017, at 10:00 a.m.; or (b) March 9, 2017, at 1:00 p.m. The parties submit that good cause supports this request, as set forth below.

RECITALS

A. Plaintiffs filed their complaint in this case on May 3, 2016, seeking damages related to the death of their mother, Gloria Burgess, who was a jail inmate held in the custody of the

1 Mendocino County Sheriff's Office. Plaintiffs' complaint avers causes of action based on 42 U.S.C.
 2 § 1983, common law negligence, and California Government Code § 845.6, generally related to the
 3 alleged deliberate indifference to the decedent's medical needs and interference with their familial
 4 rights.

5 B. All named parties have answered the complaint, and the Court (the Honorable
 6 William Orrick presiding) has set a trial date for March 26, 2018. No motions are pending at this
 7 time. A further case management conference is set for February 7, 2017, at 2:00 p.m.

8 C. Pursuant to agreement of the parties, Judge Orrick assigned this case to Magistrate
 9 Judge Beeler for purposes of settlement. On September 29, 2016, Magistrate Beeler issued a
 10 "Notice and Order Regarding Settlement Conference" setting the settlement conference to occur on
 11 January 31, 2017, at 10:00 a.m. (Dkt. No. 30).

12 D. On December 20, 2016, the parties received via ECF a Clerk's Notice which
 13 informed them that Judge Beeler has a scheduling conflict on January 31st, and that the settlement
 14 conference was advanced to January 9, 2017, at 10:00 a.m.

15 E. Unfortunately, counsel for County Defendants, Anne Keck, has informed all parties
 16 that she is not available during the period December 29, 2016 through January 9, 2017, as she will
 17 be out of the country on a pre-paid (and non-refundable) vacation until January 10, 2017. Ms. Keck
 18 filed a Notice of Unavailability with respect to those dates on December 20, 2016 (Dkt. No. 33),
 19 after receiving the Clerk's Notice. She has also consulted with the Magistrate Judge Beeler's
 20 Courtroom Deputy with respect to alternate settlement conference dates currently available on the
 21 Court's calendar, and has provided such information to counsel for all parties.

22 WHEREFORE, the parties to this stipulation hereby agree and request entry of an order as
 23 follows:

24 **STIPULATION**

25 1. The parties request the Court to vacate the currently scheduled settlement conference
 26 date of January 9, 2017, and to reschedule it to either of the following: (a) February 21, 2017, at
 27 10:00 a.m.; or (b) March 9, 2017, at 1:00 p.m.

2. Nothing in this Stipulation and request for order is intended to modify the other matters addressed in any Court order unless expressly identified herein, nor does it preclude the parties from seeking additional relief from this Court, to amend this stipulation and order or otherwise.

Respectfully Submitted,

Dated: December 21, 2016

Keck Law Offices

By: /s/ Anne L. Keck
Anne L. Keck
Attorneys for County Defendants

Dated: December 22, 2016

Law Offices of Jerome M. Varanini

By: /s/ Jerome M. Varanini
Jerome M. Varanini
Attorneys for CFMG Defendant

Dated: December 21, 2016

Law Offices of John L. Burris

By: /s/ Benjamin Nisenbaum
Benjamin Nisenbaum
Attorneys for Plaintiffs

[PROPOSED] ORDER

Pursuant to and in accordance with the foregoing Stipulation, and with good cause appearing,
IT IS HEREBY ORDERED as follows:

1. The settlement conference date of January 9, 2017, is hereby vacated, and the
settlement conference in this action shall be set for (check one):

___ February 21, 2017, at 10:00 a.m.

xx March 9, 2017, at ~~1:00 p.m.~~ a.m. 10:30 a.m.

2. All other matters set out in the Settlement Order issued on September 29, 2016 (Dkt.
No. 30) shall remain in effect.

IT IS SO ORDERED.

Date: December 22, 2016



HONORABLE LAUREL BEELER
United States Magistrate Judge